IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Crl.MC.No. 4710 of 2003(C)

SC.1017/2000 of ASSISTANT SESSIONS COURT, ATTINGAL

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PETITIONER: (ACCUSED):

B.SUNEER, S/O. MOHAMMED BASHEER,
KALIYIL KUNNMU VEEDU, MURUKKUMPUZHA.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS: (STATE & COMPLAINANT):

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. CIRCLE INSPECTOR OF POLICE,
KAZHAKKOOTTAM.

ADDL. R3 IMPLEADED

3. BASHEER, AGED 61 YEARS
S/O.MEERAN PILLAI
A.A.NIVAS, PARUTHIMUKKU
MURUKKUMPUZHA P.O.
THIRUVANANTHAPURAM

IMPLEADED AS PER ORDER DATED 24.11.2005 IN M.A.NO.14199/05

BY PUBLIC PROSECUTOR SRI.AMJAD ALI
SMT.P.VIJAYALAKSHMI.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.M.C.No.4710 of 2003

Dated this the 4th day of October, 2007

O R D E R

The petitioner who is the accused in S.C.No.1017/2000 in the court of Assistant Sessions Judge, Attingal with respect to the offence under Section 366(A) IPC has sought for getting quashed the above proceedings.

2. It is submitted that the petitioner fell in love with one Ancy, who was a student of Pre-degree in St. Xaviers College, Thumba and that they got married. It is on the basis of the complaint of the father of the girl that the crime has been registered. It is further submitted that the petitioner and the daughter of the defacto complainant has subsequently got married at the instance of the defacto complainant himself and that they are living as husband and wife and a child was born to them. The petitioner has also produced Annexure A2 marriage certificate issued by the concerned Jama-ath and also Annexure A3 ration card which would show that the accused is the head of the family and that the family consisted of Ancy and one child.

The defacto complainant has also filed an affidavit in support of the prosecution version. The defacto complainant is also represented by a counsel.

3. In the circumstances, I find that no purpose will be served for further proceedings with the matter. The proceedings pending as S.C.1017/00 in the court of Assistant Sessions Judge, Attingal is herewith quashed.

The Crl.M.C. is allowed.

K.R.UDAYABHANU,
JUDGE

csl